

MANAGING THE JUDICIARY'S COOPERATIVE REIMBURSEMENT AGREEMENT (CRA)

*MANUAL FOR ADMINISTRATIVE JUDGES, MAGISTRATES AND
COURT ADMINISTRATORS*



October 2015

**DEPARTMENT OF FAMILY ADMINISTRATION, GRANTS ADMINISTRATION
ADMINISTRATIVE OFFICE OF THE COURTS-PROGRAMS
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Manuals and blank forms can be found at
<http://mdcourts.gov/family/grantadmin.html>

**MANAGING THE JUDICIARY'S
COOPERATIVE REIMBURSEMENT AGREEMENT (CRA)**

A MANUAL FOR ADMINISTRATIVE JUDGES, MAGISTRATES AND COURT ADMINISTRATORS

I. BASIC INFORMATION ABOUT THE JUDICIARY'S CRA

A. What is the CRA?

Each year the Maryland Judiciary enters into a “Cooperative Reimbursement Agreement” (CRA) with the Maryland Child Support Enforcement Administration (CSEA). The CSEA is the entity in our State designated to receive and administer federal funds for child support. Through our CRA, the Maryland Judiciary receives federal funds to reimburse us for the work our courts do to establish, modify and enforce child support orders involving the Offices of Child Support Enforcement. The funds are for work that is authorized under Title IV-D of the Social Security Act.

B. What are IV-D Activities?

The Maryland Judiciary can be reimbursed for activities that qualify as “IV-D” activities. This “federal financial participation” is available to courts for certain key activities as defined in 45 CFR 304.20 (b) (2-8) and 45 CFR 304.21. This includes the establishment of paternity and the establishment and enforcement of support obligations to the extent that a case involves the local child support agency. In other words, it includes those cases in which a party has assigned the right to establish and enforce orders and collect support through the child support agency. This includes cases in which the party has paid \$25 for the agency to enforce support, or cases in which the parties receive or have previously received public assistance, foster care or medical assistance and have assigned the right to collect support to the State.

Note that IV-D activities do *not* include judicial salaries or other expenses, including training or travel costs, associated with judges. However, those types of expenses can be provided for non-judicial court staff including Magistrates.

C. How Much Money Does the Judiciary Receive Under the CRA?

The Judiciary receives several million dollars each year under the CRA. We receive .66 cents for every dollar spent to support the child support system, excluding judges' salaries and related expenditures.

The Judiciary may include in the CRA costs associated with establishing, modifying and enforcing child support in cases involving the local support agency. Those costs may include salaries and benefits for clerk's office staff, Magistrates and non-judge employees. Note that federal child support funds may *not* be used to reimburse the State for judges' salaries, benefits, or judicial training and travel.

Who Else Has CRAs?

D. Who Else Has CRAs?

Any state entity that contributes to child support establishment, modification or enforcement can enter into a CRA with CSEA and be reimbursed for those expenditures. Each local child support office is funded by a CRA. Sheriff's offices often have CRAs through which they are reimbursed for the costs of executing service. Finally, if the court has county-employed support staff that assists Magistrates with IV-D work, then the Magistrate's office or court administrator may manage a CRA through which the county is reimbursed for its costs in supporting those positions. Note that these county CRAs are *different* from the State CRA entered into by the Judiciary. The Judiciary's CRA provides reimbursement for state positions and expenditures only.

E. Is the CRA a Grant or Contract?

The CRA has elements of both a grant and a contract. If we actually expend resources in activities that are covered by the relevant federal law, then the federal government, through the Maryland CSEA, must reimburse the State, so long as those items were included in the CRA.

F. What Rules Apply in Spending These Monies?

The Judiciary must agree to abide by certain federal regulations that govern what type of expenditures may be included. As with all federal grants, the Judiciary must follow its own procurement and personnel policies in expending those funds. When expenditures are covered by the CRA, it is particularly important that we follow our regular policies.

G. What Happens If We Do Not Use These Funds in Accordance with the CRA or Federal Regulations?

If funds are spent in a manner different than intended by the CRA or proscribed by the federal regulations, we *cannot* invoice CSEA to be reimbursed for those activities. The State loses federal money it anticipated receiving and funds that were included in the Judiciary budget.

If CSEA is incorrectly invoiced for activities, or Maryland Judiciary's policies are not followed, or federal policies or regulations in expending funds are not followed, those funds may have to be returned to the federal government. This may occur after an audit. As a recipient of federal funds through CSEA, the Maryland Judiciary is subject to regular legislative and federal audits.

II. BUDGET PLANNING WITH THE CRA

A. The CRA Follows the Federal Fiscal Year

Each CRA follows the federal fiscal year cycle, which begins each year on October 1st. This means that each CRA spans two state fiscal year cycles. For example, the CRA for the period October 1, 2015, through September 30, 2016, involves State Fiscal Years 2016 and 2017.

In negotiating the CRA, the Administrative Office of the Courts projects positions and expenditures for each jurisdiction for both state fiscal years, even though it is not always known whether new positions will be required.

B. Project Needs for Two Fiscal Years

Each spring, the Administrative Office of the Courts contacts Circuit Court Administrative Judges to determine which Magistrates' positions need to be included in the CRA for the federal fiscal year. At that time, each jurisdiction projects the number of Magistrates' positions required and the number of hours each position will devote to Title IV-D activities during the next fiscal year and the one following. Changes can be made in position usage when the fiscal year turns over.

Information on both state- and county-employed Magistrates should be provided. The Judiciary reimburses local governments for the costs of Magistrates' salaries and benefits, so these costs will be included in the Judiciary CRA.

The information provided for the CRA is only used to generate the new CRA application. New positions and position changes must be requested from Chief Judge Barbera and the State Court Administrator.

III. MANAGING CRA POSITIONS AND EXPENDITURES

A. Use Magistrates as Designated in the CRA

Once the CRA has been negotiated, it is essential that Magistrates are assigned to work on IV-D matters for at least as many hours as indicated for them in the CRA. Deviations from the work allocation listed in the CRA can have significant fiscal consequences for the Judiciary:

- *If IV-D employees work **less** than the number of hours indicated in the CRA, the Judiciary actually loses real dollars.* The General Assembly reduces our state appropriation by the amount of federal IV-D funding we expect to be reimbursed under the CRA. If IV-D employees work less than the time designated, we cannot bill for the unused hours, and the state funds are not there to cover them.
- *If IV-D employees work **more** than the number of hours indicated in the CRA, then the State of Maryland loses potential federal funding.* If your office had been able to anticipate those additional hours, the hours could have been included on the CRA and captured additional federal funds for the State.

Please try to match as accurately as possible the number of hours and the actual personnel you will be assigning to handle IV-D matters.

Note: *Expenditures or staff time not expended in one quarter cannot necessarily be made up in later quarters. Because the CRA covers two state fiscal years, we cannot always bill for additional time made up late in the contract period.*

B. Personnel Changes (Form B: Title IV-D Personnel Change Form)

It is essential that your office notify the Administrative Office of the Courts any time there are personnel changes involving an employee included on the CRA. This includes any terminations, vacancies, new hires, or any time you substitute one employee for another, even if only temporarily. Make sure to provide the employee name, PIN, effective dates and any comments or reasons for change. Notify **all** of the following individuals with any changes:

Department of Budget & Finance, Budget
Human Resources

Laurie.Dominguez@mdcourts.gov

Jeffery.Qualey@mdcourts.gov

Department of Budget & Finance, Grants Administration

cra@mdcourts.gov

C. Federal Program Employee Certification Form (Form F)

“To comply with CFR Part 200 – UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS, employees that are expected to work solely on a single federal award or cost objective are required to periodically certify that they worked solely on that program for the period covered by the certification.”

Employees that work exclusively on IV-D **must** complete the certification form immediately following the end of each six-month reporting period. Employees at 100% must solely work on the CRA. If the court needs deem it necessary for an employee’s workload to deviate from CRA, they **must** report this time separately to the Department of Family Administration.

Time Reporting Periods:

- **October 1 through March 31, current year** – *forms should be signed April 1, current year, and returned to Department of Family Administration.*
- **April 1 through September 30, current year** - *forms should be signed Oct 1, current year, and returned to Department of Family Administration.*

D. Time Reporting for CRA Employees, Project Timesheets (Form A)

Federal regulations require that all employees included on the CRA complete a project timesheet that reflects their actual hours worked on IV-D matters.

- Employees who perform IV-D duties for 100% of the time they are working (whether they are full-time or part-time employees) do not need to complete a separate project timesheet. These employees must complete and sign the *Federal Program Employee Certification Reporting Form* twice a year in April and October and submit to Department of Family Administration, Grants Administration (reference Form F above). (*Note: “IV-D” should appear on their regular Judiciary timesheet. The Judiciary maintains copies of these timesheets and can make them available in the event we are audited.*)
- Employees who are only **performing IV-D duties for part of their work week** (whether they are full-time or part-time employees) must complete the IV-D project timesheet, in addition to their regular Judiciary timesheet. The project timesheets must be used to report the actual number of hours that each employee worked on IV-D matters for each pay period (**based on the State’s pay schedule**). Both the employee and approving supervisor signatures must be on the timesheet before it can be processed. **Any IV-D Project timesheets not submitted on the current form will be returned**

Court administrators should retain original project timesheets in their office as they are subject to audits by the state and federal auditors.

Forward a signed, scanned copy to CRA@mdcourts.gov by the 10th day of the following month and retain the original document at your location for audit purposes. For June 30, 2016 signed copies must be submitted by June 28, 2016. (Please make sure the scanned copies are legible.)

APPENDIX

- *Form A:* Title IV-D Project Time Sheet for Support Personnel
- *Form B:* Title IV-D Personnel Change Form
- *Form F:* Federal Program Employee Certification Reporting Form